

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BOARD OF TRUSTEES OF THE UNITED
UNION OF ROOFERS, WATERPROOFERS,
& ALLIED WORKERS LOCAL UNION
NO 8. W.B.P. & A FUNDS,
Plaintiffs,

v.

ORDER

04-CV-3085 (NGG) (KAM)

STARCROSS CONTRACTING, INC,

Defendants.

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GARAUFIS, United States District Judge.

On September 23, 2004, I granted the plaintiffs' motion for default judgment against defendant Starcross Contracting, Inc., and referred the case to Magistrate Judge Kiyo A. Matsumoto for an inquest on damages. On August 15, 2005, Judge Matsumoto issued her Report and Recommendation ("R&R"), recommending that the plaintiffs be awarded \$19,069.72 in unpaid contributions, \$3,653.43 in interest on those unpaid contributions, \$3,653.43 in liquidated damages, \$1,800.00 in attorney's fees and \$240.00 in costs, for a total award of \$28,416.58. Objections to the R&R were due on August 29, 2005. No objections have been filed by any party.

In reviewing an R&R, this court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). In order to accept a Magistrate Judge's R&R where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189

(S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is “not facially erroneous”).

The R&R is comprehensive and well-reasoned. The court finds no clear error in the R&R and therefore adopts the R&R for the reasons stated therein. The plaintiffs are hereby awarded \$28,416.58 in unpaid contributions, interest, liquidated damages, attorney’s fees and costs, as detailed above. The Clerk of the Court is directed to close this case and to mail a copy of this decision to the defendant at its last known mailing address.

SO ORDERED.

Dated: September 7, 2005
Brooklyn, N.Y.

/s/ Nicholas G. Garaufis
Nicholas G. Garaufis
United States District Judge